

28-1-40. Definitions. ~~(a)~~ In addition to the terms defined in ~~L. 2020 Special Session, ch. 1, sec. 16~~ L. 2021, ch. 116, sec. 38 and amendments thereto, each of the following terms, as used in K.A.R. 28-1-40 through 28-1-43, shall have the meaning specified in this ~~regulation~~ subsection:

~~(a)~~ (1) "Department" means Kansas department of health and environment.

~~(b)~~ (2) "Personal information" means contact data collected as specified in K.A.R. 28-1-42 and "personal information" collected pursuant to K.S.A. 50-7a01, and amendments thereto.

~~(c)~~ (3) "Protected health information" has the meaning specified in K.S.A. 65-6822, and amendments thereto.

~~(d)~~ (b) As used in L. 2021, ch. 116, sec. 38 and amendments thereto, "third party" ~~means~~ shall mean any of the following, other than any of the entities specified in K.S.A. 65-118 and amendments thereto:

(1) An individual, other than a contact tracer;

(2) an organization; or

(3) a business; ~~or~~

~~(4) an entity similar to any of the entities specified in paragraphs (d)(1) through (3).~~

(Authorized by and implementing ~~L. 2020 Special Session, ch. 1, sec. 16~~ L. 2021, ch. 116, sec. 38; effective, T-28-7-30-20, July 30, 2020; effective Nov. 20, 2020; amended

P-_____.)

APPROVED

SEP 08 2021

DIVISION OF THE BUDGET

APPROVED

SEP 10 2021

DEPT. OF ADMINISTRATION

APPROVED

SEP 15 2021

ATTORNEY GENERAL

28-1-41. Contact tracers. (a) Each individual acting as a contact tracer under the authority of the secretary or a local health officer shall meet the following qualifications and training requirements:

- (1) Be at least 18 years of age;
- (2) possess a high school diploma or GED certificate; and
- (3) complete a contact tracing training program approved by the secretary.

(b) Each individual acting as a contact tracer under the authority of the secretary or a local health officer shall execute the following oath or affirmation:

"I, [name] , acknowledge that I have completed the training to become a contact tracer. I am familiar with the provisions contained in and duties required by ~~L. 2020 Special Session, ch. 1, sec. 16~~ L. 2021, ch. 116, sec. 38, attached hereto and incorporated by reference, including the duty of confidentiality stated therein. I do solemnly swear (or affirm) that I will comply with those Kansas COVID-19 contact tracing provisions while acting as a contact tracer. So help me God.

Signature: _____ Date: _____"

(c) Any individual having conscientious scruples against taking an oath ending with a reference to a deity may affirm with like effect without the need to make a reference to the deity.

(d) The oath or affirmation specified in subsection (b) may be executed before the secretary, the secretary's designee, a local health officer, or the local health officer's designee. (Authorized by and implementing ~~L. 2020 Special Session, ch. 1, sec. 16~~ L. 2021, ch. 116, sec. 38; effective, T-28-7-30-20, July 30, 2020; effective Nov. 20, 2020; amended P-_____.)

APPROVED

JUL 07 2021

APPROVED

JUL 07 2021

APPROVED

AUG 25 2021

28-1-42. Contact data; communication with contacts. (a) Each individual acting as a contact tracer under the authority of the secretary or a local health officer shall be limited to collecting the following personal information for any contact:

- (1) Identity Data that identifies the contact, including name, date of birth, and sex;
- (2) address;
- (3) telephone number;
- (4) electronic-mail address;
- (5) geographical or similar location information at certain points in time; and
- (6) the name of each individual who could be an additional contact.

(b) Each individual acting as a contact tracer under the authority of the secretary or a local health officer shall be limited to collecting the following health data for any contact:

- (1) Age;
- (2) ~~physieal biometries~~ vaccination and testing status;
- (3) temperature; and
- (4) symptoms.

(c) Whenever a contact tracer communicates with a contact, the contact tracer shall advise the contact that the contact is ~~under no compulsion or prohibition~~ shall not be compelled to participate in or be prohibited from participating in the contact tracing.

(1) The contact tracer shall use the following text, ~~or a substantially similar text,~~ when advising the contact:

“Participation in COVID-19 contact tracing is voluntary. You ~~may~~ shall not be compelled to participate in or be prohibited from participation ~~with in~~ contact tracing for

APPROVED

SEP 08 2021

DIVISION OF THE BUDGET

APPROVED

SEP 10 2021

DEPT. OF ADMINISTRATION

APPROVED

SEP 15 2021

ATTORNEY GENERAL

COVID-19. If in good faith you do provide information requested by a contact tracer, you shall be immune from civil, criminal, and administrative liability for disclosing the information. If you do not provide information, you are not subject to civil, criminal, or administrative penalties. Do you understand what I have said? May I ask you questions concerning a COVID-19 contact tracing?”

(2) The contact tracer shall document in the contact data whether the text was provided and what were the contact’s responses to the questions. (Authorized by and implementing ~~L. 2020 Special Session, ch. 1, sec. 16~~ L. 2021, ch. 116, sec. 38; effective, T-28-7-30-20, July 30, 2020; effective Nov. 20, 2020; amended P-_____.)

APPROVED
SEP 08 2021

DIVISION OF THE BUDGET

APPROVED
SEP 10 2021

DEPT. OF ADMINISTRATION

APPROVED
SEP 15 2021

ATTORNEY GENERAL

28-1-43. Surrender or destruction of contact data. (a) Each individual acting as a contact tracer for the secretary or a local health officer who possesses contact data pursuant to L. 2020 Special Session, ch. 1, sec. 16 L. 2021, ch. 116, sec. 38, and amendments thereto, shall surrender all contact data to the secretary or the local health officer when ~~the contact data is no longer needed to monitor the contact's health and~~ the contact has been released from quarantine.

(b) Each individual who possesses contact data permitted to be collected as specified in K.A.R. 28-1-42 shall safely and securely destroy, in a manner approved by the secretary, any contact data that contains protected health information, individual movement or mobility data, or personal information whenever the secretary determines that the contact data that contains protected health information, individual movement or mobility data, or personal information is no longer necessary for the purpose of ~~containing the spread of COVID-19~~ contact tracing, as defined in L. 2021, ch. 116, sec. 38 and amendments thereto. (Authorized by and implementing ~~L. 2020 Special Session, ch. 1, sec. 16 L. 2021, ch. 116, sec. 38; effective, T-28-7-30-20, July 30, 2020; effective Nov. 20, 2020; amended P-~~_____.)

APPROVED
SEP 08 2021

DIVISION OF THE BUDGET

APPROVED
SEP 10 2021
DEPT. OF ADMINISTRATION

APPROVED
SEP 15 2021
ATTORNEY GENERAL

28-1-44. Sunset provision. K.A.R. 28-1-40 through 28-1-43 shall have no force and effect after May 1, 2021 or upon the expiration of L. 2020 Special Session, ch. 1, sec. 16 and amendments thereto, whichever is later June 30, 2022. (Authorized by and implementing L. 2020 Special Session, ch. 1, sec. 16 L. 2021, ch. 116, sec. 38; effective, T-28-7-30-20, July 30, 2020; effective Nov. 20, 2020; amended P-_____.)

APPROVED

SEP 08 2021

DIVISION OF THE BUDGET

APPROVED

SEP 10 2021

DEPT. OF ADMINISTRATION

APPROVED

SEP 15 2021

ATTORNEY GENERAL